

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 **INSTRUCTIONS FOR PRISONER'S  
4 IN FORMA PAUPERIS APPLICATION**

5 You must submit to the court a completed Prisoner's In Forma Pauperis Application if  
6 you are unable to pay the entire filing fee at the time you file your complaint or petition. Your  
7 application must include copies of the prisoner trust account statement showing transactions  
8 for the last six months and a certificate of funds in prisoner's account, signed by an authorized  
9 officer of the institution.

10 **A. Non-habeas Civil Actions**

11 Effective April 9, 2006, the filing fee for any civil action other than a habeas is  
12 \$350.00. Even if you are granted leave to proceed in forma pauperis, you must still pay the  
13 full amount of the court's filing fee, but the fee will be paid in several installments. 28 U.S.C.  
14 § 1915.

15 You must pay an initial partial filing fee of 20 percent of the greater of (a) the average  
16 monthly deposits to your account for the 6-month period immediately before the complaint  
17 was filed or (b) the average monthly balance in your account for the 6-month period  
18 immediately before the complaint was filed. The court will use the information provided on  
19 the certificate of funds and the trust account statement to determine the filing fee immediately  
20 due and will send instructions to you and the prison trust account office for payment if in  
21 forma pauperis status is granted.

22 After the initial partial filing fee is paid, your prison's trust account office will forward  
23 to the court each month 20 percent of the most recent month's income to your prison trust  
24 account, to the extent the account balance exceeds ten dollars (\$10.00). Monthly payments  
25 will be required until the full filing fee is paid. If you have no funds over ten dollars (\$10.00)  
26 in your account, you will not be required to pay part of the filing fee that month.

27 If your application to proceed in forma pauperis is granted, you will be liable for  
28 the full \$350.00 filing fee even if your civil action is dismissed. That means the court will  
continue to collect payments until the entire filing fee is paid. However, if you do not  
submit this completed application the action will be dismissed without prejudice and the  
filing fee will not be collected.

**B. Habeas Actions**

The filing fee for a habeas action is \$5.00. If you are granted leave to proceed in  
forma pauperis you will not be required to pay any portion of this fee. If you are not granted  
leave to proceed in forma pauperis you must pay the fee in one payment and not in  
installments. If you use a habeas form to file a non-habeas civil action, you will be  
required to pay the \$350.00 filing fee applicable to all non-habeas civil actions.

FILED

08 APR 11 PM 2:31

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

CRB

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CV 08

1124

Plaintiff,

CASE NO. \_\_\_\_\_

vs.

PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS

Defendant.

(PR)

I, JAVIY OROZCO, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes INCARCERATED No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: N/A Net: N/A

Employer: N/A

1 If the answer is "no," state the date of last employment and the amount of the gross and net  
 2 salary and wages per month which you received. (If you are imprisoned, specify the last  
 3 place of employment prior to imprisonment.)

4 IMPRISONED LAST PLACE OF EMPLOYMENT: I.R.E. (2000) \$400 MONTHLY  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_

7 2. Have you received, within the past twelve (12) months, any money from any of the  
 8 following sources:

9 a. Business, Profession or Yes \_\_\_ No X  
 10 self employment

11 b. Income from stocks, bonds, Yes \_\_\_ No X  
 12 or royalties?

13 c. Rent payments? Yes \_\_\_ No X

14 d. Pensions, annuities, or Yes \_\_\_ No X  
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes \_\_\_ No X  
 17 Social Security or other govern-  
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount  
 20 received from each.

21 N/A  
 22 \_\_\_\_\_

23 3. Are you married? Yes \_\_\_ No X

24 Spouse's Full Name: N/A

25 Spouse's Place of Employment: N/A

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ N/A Net \$ N/A

28 4. a. List amount you contribute to your spouse's support: \$ N/A

1 b. List the persons other than your spouse who are dependent upon you for  
 2 support and indicate how much you contribute toward their support. (NOTE:  
 3 For minor children, list only their initials and ages. DO NOT INCLUDE  
 4 THEIR NAMES.).

5 NOBODY

6  
 7 5. Do you own or are you buying a home? Yes      No X

8 Estimated Market Value: \$ N/A Amount of Mortgage: \$ N/A

9 6. Do you own an automobile? Yes      No X

10 Make N/A Year N/A Model N/A

11 Is it financed? Yes      No      If so, Total due: \$ N/A

12 Monthly Payment: \$ N/A

13 7. Do you have a bank account? Yes      No X (Do not include account numbers.)

14 Name(s) and address(es) of bank: N/A

15     

16 Present balance(s): \$ N/A

17 Do you own any cash? Yes      No X Amount: \$ N/A

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated  
 19 market value.) Yes      No X

20 N/A

21 8. What are your monthly expenses?

22 Rent: \$ N/A Utilities: N/A

23 Food: \$ N/A Clothing: N/A

24 Charge Accounts:

25 Name of Account Monthly Payment Total Owed on This Acct.

26 N/A \$ N/A \$ N/A

27 N/A \$ N/A \$ N/A

28 N/A \$ N/A \$ N/A

1 9. Do you have any other debts? (List current obligations, indicating amounts and to  
2 whom they are payable. Do not include account numbers.)

3 RESTITUTION

4  
5 10. Does the complaint which you are seeking to file raise claims that have been presented  
6 in other lawsuits? Yes \_\_\_ No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in  
8 which they were filed.

9 N/A

10  
11 I consent to prison officials withdrawing from my trust account and paying to the court  
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and  
14 understand that a false statement herein may result in the dismissal of my claims.

15  
16 APRIL 2, 2008

17 DATE

David Oozes

SIGNATURE OF APPLICANT

Case Number: CV 08 1124

**CERTIFICATE OF FUNDS**  
**IN**  
**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of DAVID OROZCO for the last six months  
[prisoner name]  
SIERRA CONSERVATION CAMP where (s)he is confined.  
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 50.66 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 213.25.

Dated: 4/7/08

[Signature]  
[Authorized officer of the institution]



**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name Orozco, David  
 (Last) (First) (Initial)

Prisoner Number CDC# T25768

Institutional Address Sierra Conservation Center, 5150 O'Brynes  
Ferry Road; Jamestown, CA 95327

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

DAVID OROZCO

(Enter the full name of plaintiff in this action.)

vs.

IVAN CLAY, Warden, Sierra

Conservation Center;

JERRY BROWN, et. als., Attorney

General, State of California.

(Enter the full name of respondent(s) or jailor in this action)

**CV 08 1124**

Case No.

(To be provided by the clerk of court)

**PETITION FOR A WRIT  
 OF HABEAS CORPUS**

**E-filing**

**CRB  
 (PR)**

Read Comments Carefully Before Filling In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

*530 New*  
*5/11/08*

**STATE OF CALIFORNIA**

**Department of Corrections and Rehabilitation**

**MEMORANDUM**

DATE: April 1, 2008

TO: David Orozco - T25768

FROM: Sierra Conservation Center, Jamestown, Ca 95327

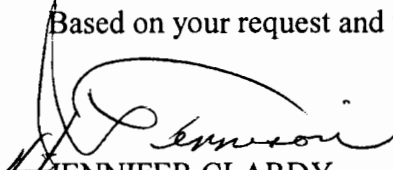
SUBJECT: **SCC - INFORMAL APPEAL - CERTIFIED STATEMENT – COURT FILING FEE**

**Appeal Decision: GRANTED**

**Appeal Issue:** You requested that Sierra Conservation Center's (SCC) Trust Accounting Office provide you with a certified copy of your account activity for the last six months and you're your Trust Withdrawal Order to pay a \$5.00 filing fee to the court be honored.

**Appeal Response:** Attached for your information is a certified statement of account activity and record of the \$5.00 filing fee withdrawal for the court on March 26, 2008.

Based on your request and the attached document, your appeal is granted in full.

  
JENNIFER CLARDY  
Account Representative



REPORT ID: TS030 .701

REPORT DATE: 04/01/08  
PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS  
SIERRA CONSERVATION CENTER  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: OCT. 01, 2007 THRU APR. 01, 2008

ACCOUNT NUMBER: 125768  
ACCOUNT NAME: 060203, DAVID HENRY  
PRIVILEGE GROUP: A  
BED/CELL NUMBER: NAF 6800000010L  
ACCOUNT TYPE: I

TRUST ACCOUNT ACTIVITY

| DATE       | CODE | DESCRIPTION       | COMMENT | CHECK NUM | DEPOSITS | WITHDRAWALS | BALANCE |
|------------|------|-------------------|---------|-----------|----------|-------------|---------|
| 10/01/2007 |      | BEGINNING BALANCE |         |           |          |             | 0.00    |

ACTIVITY FOR 2008

|       |      |                |            |  |        |  |        |
|-------|------|----------------|------------|--|--------|--|--------|
| 01/17 | D320 | TRUST FUNDS 1  | 2054 PPSF  |  | 273.39 |  | 273.39 |
| 01/18 | FC02 | BRAN-FAC 2     | 2068MARCHO |  | 30.00  |  | 223.39 |
| 02/04 | UB54 | INMATE PAYROL  | 2220JAN08  |  | 2.97   |  | 226.36 |
| 02/11 | MS36 | CORPAY CHARGE  | 2299 2/8   |  | 5.00   |  | 221.36 |
| 02/13 | UB30 | CASH DEPOSIT   | 2320FEB06  |  |        |  | 243.86 |
| 02/15 | FC02 | BRAN-FAC 2     | 2364MARCHO |  | 30.00  |  | 213.86 |
| 02/19 | MS01 | SNIPPLING CHAR | 2382 JUL   |  | 5.75   |  | 208.11 |
| 03/03 | UB54 | INMATE PAYROL  | 2513FEB08  |  | 5.13   |  | 213.24 |
| 03/26 | MS37 | FILING FEE CH  | 2792 STATE |  | 5.00   |  | 208.24 |

\* RESTITUTION ACCOUNT ACTIVITY

|                          |           |                               |                           |           |
|--------------------------|-----------|-------------------------------|---------------------------|-----------|
| DATE SENTENCED: 08/03/01 |           |                               | CASE NUMBER: *M29136      |           |
| COUNTY CODE: *ALA        |           |                               | FINE AMOUNT: \$ 27,734.49 |           |
| DATE                     | TRANS.    | DESCRIPTION                   | TRANS. AMT.               | BALANCE   |
| 10/01/2007               | BEGINNING | BALANCE                       |                           | 26,670.19 |
| 12/28/07                 | SU01      | SYS TRANSF - POS              | 112.50-                   | 26,557.69 |
| 01/04/08                 | SU03      | SYS UPDATE - POS              | 7.50-                     | 26,550.19 |
| 02/04/08                 | UB34      | RESTITUTION DEDUCTION-SUPPORT | 3.30-                     | 26,546.89 |
| 02/13/08                 | BR30      | REST DEB-CASH DEPOSIT         | 23.00-                    | 26,521.89 |
| 03/03/08                 | UB34      | RESTITUTION DEDUCTION-SUPPORT | 5.70-                     | 26,516.19 |

\* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT \*  
\* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. \*

AVERAGE Monthly  
Ending Balance  
= \$ 213.25



THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.  
ATTEST:  
CALIFORNIA DEPARTMENT OF CORRECTIONS  
BY *[Signature]*  
TRUST OFFICE

ORIGINAL  
FILED

FEB 25 2008

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Dear Sir or Madam:

Your petition has been filed as civil case number

CV 08 1124

CRB

A filing fee of \$5.00 is now due. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's In Forma Pauperis Application in its entirety. If the application is granted, you will not have to prepay the fee.

Your petition is deficient because you did not pay the filing fee and:

1. ☐ you did not file an In Forma Pauperis Application.
2. ☒ the In Forma Pauperis Application you submitted is insufficient because:

E-filing

(PR)

☐ You did not use the correct form. You must submit this court's current Prisoner's In Forma Pauperis Application.

☐ Your In Forma Pauperis Application was not completed in its entirety.

☐ You did not sign your In Forma Pauperis Application.

☒ You did not submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison.

☒ You did not attach a copy of your prisoner trust account statement showing transactions for the last six months.

☐ Other \_\_\_\_\_

Enclosed you will find this court's current Prisoner's In Forma Pauperis Application, which includes a Certificate of Funds in Prisoner's Account form, and a return envelope for your convenience.

**Warning: YOU MUST RESPOND TO THIS NOTICE.** If you do not respond within **THIRTY DAYS** from the filing date stamped above, your action will be **DISMISSED**, the file closed and the entire filing fee will become due immediately. Filing a Prisoner's In Forma Pauperis Application will allow the court to determine whether prepayment of the filing fee should be waived.

Sincerely,  
RICHARD W. WEEKING, Clerk,

By \_\_\_\_\_  
Deputy Clerk

080220

DAVID OROZCO T. 25768  
MAR. 68.10  
5150 O'BYRNES 'FERRY' RD.  
JAMESTOWN, CA. 95327

**BUSINESS REPLY MAIL**

FIRST-CLASS MAIL PERMIT NO. 12615 WASHINGTON DC

POSTAGE WILL BE PAID BY UNITED STATES COURTS

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State Court  
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